

DOCKET NO.: NNH-CV17-6072389-S	:	SUPERIOR COURT
	:	
ELIYAHU MIRLIS	:	J. D. OF NEW HAVEN
	:	
v.	:	AT NEW HAVEN
	:	
YESHIVA OF NEW HAVEN, INC.	:	OCTOBER 15, 2019
FKA THE GAN, INC. FKA THE GAN	:	
SCHOOL, TIKVAH HIGH SCHOOL AND	:	
YESHIVA OF NEW HAVEN, INC.	:	

OBJECTION TO MOTION FOR CONTINUANCE

The plaintiff, Eliyahu Mirlis (“Plaintiff”), by and through his undersigned counsel, hereby objects to the Motion for Continuance (Doc. No. 129) (the “Motion”) filed by the defendant, Yeshiva of New Haven, Inc. fka The Gan, Inc. fka The Gan School, Tikvah High School and Yeshiva of New Haven, Inc. (“Defendant”), seeking to continue the hearing scheduled for October 21, 2019 (the “Hearing”), regarding the valuation of the property that is the subject of this foreclosure action. In support of his objection, Plaintiff states as follows:

I. FACTUAL BACKGROUND

The judgment that gave rise to this judgment lien foreclosure action arises was entered in the action captioned Eliyahu Mirlis v. Daniel Greer et al., No. 3:16-cv-00678 (MPS) (the “Underlying Action”), which was against, *inter alia*, Defendant and Daniel Greer (“D.Greer”) by Plaintiff. Plaintiff alleged the Underlying Action, *inter alia*, that beginning in 2002, when Plaintiff was between the ages of fifteen and seventeen years old and a boarding student at the school operated by Defendant, D. Greer—who is both an attorney and a rabbi, and who is and the president of Defendant and a member of its board of directors—repeatedly and continuously sexually abused, exploited, and assaulted him. On June 6, 2017, the United States District Court for the District of Connecticut entered a judgment (the “Judgment”) in favor of Plaintiff in the Underlying Action against Defendant

and D. Greer in the amount of \$21,749,041.10. The Judgment remains almost completely unsatisfied, with any minimal payments made having resulted from collection and foreclosure efforts of Mirlis. Plaintiff has been able to collect only \$277,124.51 on account of the Judgment from Defendant and D. Greer.

Defendant owns the real property situated in the known as 765 Elm Street, New Haven, Connecticut (the “Property”). In this action, Plaintiff seeks to foreclose the judgment lien (the “Judgment Lien”) encumbering the Property in order to collect some of the funds owed to him by Defendant. Defendant seeks to substitute the Judgment lien for a bond. The hearing regarding the valuation of the Property was originally scheduled for August 23, 2019. However, on August 9, 2019, the Court granted Defendant’s caseflow request, over Plaintiff’s objection, and rescheduled the Hearing for October 21, 2019. Defendant now seeks to postpone the Hearing further based upon the representation that D. Greer is unavailable for the Shmini Atzeret holiday, which was “unrealized” by Defendant’s counsel despite the fact that the Hearing has been set for more than two months.

II. ARGUMENT

The Motion should be denied. Defendant has not articulated any colorable reason for continuing the Hearing. The Hearing concerns the value of the Property, and therefore, testimony from the parties’ expert witnesses is required to establish value. Defendant has not set forth any reason as to why D. Greer’s attendance and/or testimony is necessary, or indeed, why another representative of Defendant would be insufficient. Defendant has also waited months to disclose that D. Greer is unavailable in what simply appears to be a further, baseless attempt to delay the Hearing and this foreclosure action. Additionally, D. Greer was found guilty of four felony counts of risk of injury to a minor on or about September 26, 2019, and was released on a \$750,000 post-conviction bond. It is not clear from the Motion that the terms of D. Greer’s release permit his

attendance at the Hearing. In fact, according to an article in the *New Haven Register*, D. Greer's criminal attorney stated that "[D.] Greer will have to wear ankle monitors and surrender his passport. 'He's now on home confinement.'" Randall Beach, "New Haven rabbi guilty on 4 felony counts, posts \$750,000 bond", *New Haven Register*, 2019, <https://www.nhregister.com/news/article/New-Haven-rabbi-guilty-on-4-felony-counts-bond-14467686.php> (last visited October 15, 2019).

IV. CONCLUSION

WHEREFORE, Plaintiff respectfully requests that the Court deny the Motion and grant such other and further relief as justice requires.

THE PLAINTIFF
ELIYAHU MIRLIS

By: /s/ John L. Cesaroni
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CERTIFICATE OF SERVICE

This is to certify that on October 15, 2019, a copy of the foregoing Objection to Motion for Continuance was sent to all appearing parties and counsel of record as follows via electronic mail:

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/s/ John L. Cesaroni
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